

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SPINAL DIMENSIONS, INC. and  
ECLIPSE MEDICAL, L.L.C.,

Plaintiffs,

NOTICE OF DISMISSAL

- against -

Case # 2007-CV-0839

MEDTRONIC, INC., MEDTRONIC SOFAMOR  
DANEK USA, INC., DAMIAN CHEPENUK and  
DAVID NOWETNER,

GLS/RFT

Defendants.

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PLEASE TAKE NOTICE, that the Plaintiffs Spinal Dimensions, Inc. and Eclipse Medical, L.L.C., by and through their attorneys, Towne, Bartkowski & DeFio Kean, P.C., hereby dismiss, without prejudice, this action pursuant to Federal Rule of Civil Procedure 41(a)(1).

Dated: September 27, 2007  
Albany, NY

TOWNE, BARTKOWSKI & DEFIO KEAN, P.C.  
Attorneys for Plaintiffs  
Spinal Dimensions, Inc. and Eclipse Medical, L.L.C.

/s/ Elena DeFio Kean

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**SO ORDERED:**

*Opary L. Shapre*  
U.S. District Judge  
Date: 9/28/07